

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MAURICE MCCREE,

Petitioner,

V.

STUART HUDSON, Warden,

Respondent.

CASE NO. 1: 08 CV 1210

JUDGE DONALD C. NUGENT

MEMORANDUM OPINION
AND ORDER

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge David S. Perelman. The Report and Recommendation (ECF # 12) is ADOPTED by this Court, and Petitioner's motion to vacate, set aside, or correct the sentence pursuant to 28 U.S.C. § 2254 (ECF # 1) is DENIED.

In February 2006, a jury found Petitioner guilty of aggravated murder with a firearm specification in violation of Ohio law. Petitioner was also convicted in a bench trial of having a weapon while under a disability. Petitioner is serving a sentence of life imprisonment for the aggravated murder conviction, with an additional three years for the firearm specification to be served consecutively. For having a weapon while under a disability, Petitioner was sentenced to five years of incarceration, to be served consecutively to the sentence for aggravated murder.

Petitioner filed this motion to vacate, set aside, or correct the sentence pursuant to 28 U.S.C. § 2254 on May 15, 2008, raising nine grounds for relief.

Pursuant to Local Rule 72.2, this matter was referred to Magistrate Judge Perelman for the preparation of a report and recommendation. On March 16, 2009, Magistrate Judge Perelman recommended that this Court deny the Petition. Petitioner has not filed any objections

to the Report and Recommendation.

The Court has reviewed the Report and Recommendation *de novo*. See *Thomas v. Arn*, 474 U.S. 140 (1985). The Court finds Magistrate Judge Perelman's Report and Recommendation to be well-written, well-supported, and correct. Therefore, the Report and Recommendation (ECF # 12) is ADOPTED in its entirety. Petitioner's motion to vacate, set aside, or correct the sentence is DENIED.

Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: April 3, 2009